

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827.* Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 8

**An Act to provide for the Registering of Judgments and Recognizances which are intended to bind or affect Real Estates. Passed the 19th March, 1827.**

I Be it enacted by the Lieutenant-Governor, Council and Assembly, That no Judgment or Recognizance, (other than such as shall be entered into in the name and upon the proper account of His Majesty, His Heirs and Successors) which shall be obtained or entered into after the first day of May next, shall affect or bind any Lands, Tenements, or Hereditaments, situate, lying and being in any County, or City and County, within the Province, against any subsequent purchaser or mortgagee for valuable consideration, but only after the time that a memorial of such Judgment or Recognizance shall be entered at the Register's Office of such County, or City and County, expressing and containing, in case of such Judgment, the names of the Plaintiffs and Defendants, the sums thereby recovered, and the time of the signing thereof; and in case of Recognizances, expressing and containing the date of such Recognizance, the names and additions of the Cognizers and Cognizees therein, and for what sums and before whom the same were acknowledged; and that in order to the making an entry of such memorials of Judgments and Recognizances as aforesaid, the Party or Parties desiring the same shall produce to and leave with the Register, to be filed in the Register Office, a memorial of such Judgment or Recognizance, signed by the proper Officer, or his Deputy, together with an affidavit sworn before one of the Judges of the Supreme Court, or any Commissioner appointed to take affidavits to be read in the Supreme Court (other than the Attorney in the suit) that such memorial was duly signed by the Officer whose name shall appear to be thereunto set; which memorial such officer is hereby required to give such Plaintiff or Plaintiffs, Defendant or Defendants, Cognizee or Cognizees, his, her or their Executors, or Administrators, or Attorney or any of them, he, she or they, paying for the same the sum of One Shilling and no more.

II. And be it further enacted, That the said Register shall make an entry, and likewise (if required) shall give a certificate in writing under his hand of every such memorial of any Judgment or Recognizance brought to him to be so Registered as aforesaid, and therein mention the certain day on which such memorial is so entered or registered, expressing also in what book, page and number the same is entered; and that the fee to such Register for each entry shall be One Shilling, and for each certificate One Shilling, and that such certificate shall be taken and allowed as evidence of the Registry of such memorial in all Court, whatsoever.

III. And be it further enacted, That in case of Judgments or Recognizances whereof memorials shall be entered in the Register Office of any County, or City and County, pursuant to this Act, if at any time afterwards, a certificate shall be brought to the Register signed by the Plaintiff or Plaintiffs in such Judgment, Defendant or Defendants in case the Judgment be for such Defendant or Defendants, and Cognizee or Cognizees in such Recognizance, his, her, or their lawful Attorney, Executors or Administrators, and attested by two witnesses, whereby it shall appear, that the

monies due upon or by virtue of such Judgment or Recognizance have been paid and satisfied in discharge thereof; which witnesses, or one of them, shall upon oath before one of the Judges of the Supreme Court, or any of the Commissioners as aforesaid, or the said Register, prove that the said Plaintiff or Plaintiffs, Defendant or Defendants, Cognizee or Cognizees, or his, her, or their lawful Attorney, Executors or Administrators, signed such certificate and acknowledged such payment or satisfaction; or if a certificate is produced to the Register signed by the proper officer or his deputy, and duly proved in the manner directed by the first Section of this Act, that satisfaction of such Judgment or Recognizance has been duly entered up of Record; or that an execution issued upon such Judgment has been returned duly satisfied, that then and in every such case the said Register shall make an entry in the margin of the said Registry Book against the Registry of the memorial of such Judgment or Recognizance, that the same was satisfied and discharged, according to such certificate, to which the same entry, shall refer, and shall after file such certificate to remain upon Record in the said Register Office; and that the fee to the Register for such entry, shall be One Shilling and no more, and to the Officer for such certificate shall be One Shilling and no more.

IV. And be it further enacted, That no judgment or Recognizance (except as before excepted) already recovered or entered into, or which may be recovered or entered into, on or before the said first day of May next, shall after the expiration of six months from the passing of this Act, affect or bind any Lands, Tenements or Hereditaments, against any subsequent Purchaser or Mortgagee for valuable consideration, unless a memorial thereof, duly signed and proved as before directed, shall be entered in the Register Office of the County, or City and County, wherein such Lands, Tenements or Hereditaments are situate, within six months from the passing of this Act, except only from the time of entering such memorial.

V. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to affect the priority given in and by an Act made and passed in the twenty-sixth year of His late Majesty's Reign intituled "An Act subjecting Real Estates in the Province of New-Brunswick, to the payment of debts, and directing the Sheriff in his proceedings thereon," to Executions which may be taken out and executed upon Real Estates within the Province.

VI. Provided also, and be it further enacted and declared, That no Judgment of any Inferior Court or Recognizance entered into before any Inferior Court or Judge thereof (other than such as shall be entered into in the name of His Majesty, His Heirs and Successors) shall affect or bind any Lands, Tenements or Hereditaments within this Province, any Law, usage or custom to the contrary notwithstanding.

VII. And whereas it has been customary in several of the Counties of this Province, to keep separate books of Record of different sorts of Instruments affecting Lands, which may lead to serious difficulties from Deeds of the same date affecting the same lands being entered in different books at the same time. Be it further enacted, that from and after the said first day of May next, only one book of Records shall be kept in each County, and all Deeds, Instruments or Memorials entered therein, shall be numbered in the order in which they are entered.